

1 Mathew K. Higbee, Esq., (Ill. Bar No. 6319929)

2 **HIGBEE & ASSOCIATES**

3 1504 Brookhollow Dr., Suite 112

4 Santa Ana, CA 92705

5 (714) 617-8350

6 (714) 597-6559 facsimile

7 Email: mhigbee@higbeeassociates.com

8 *Attorney for Plaintiff,*

9 CHRISTOPHER SADOWSKI

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF ILLINOIS**

12 CHRISTOPHER SADOWSKI,

13 Plaintiff,

14 v.

15 DR. BOYCE WATKINS d/b/a
16 <http://www.brothersonsports.com/>; and
17 DOES 1 through 10 inclusive,

18 Defendant.

Case No. 1:19-cv-6891

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

20
21 Plaintiff, Christopher Sadowski alleges as follows:

22 **JURISDICTION AND VENUE**

23 1. This is a civil action seeking damages and injunctive relief for
24 copyright infringement under the Copyright Act of the United States, 17 U.S.C.
25 § 101 *et seq.*

26 2. This Court has subject matter jurisdiction over Plaintiff's claims
27
28

1 7. On information and belief, Defendant owns and operates the
2 website <http://www.brothersonsports.com/> (the “Website”). While this website
3 domain registration has recently lapsed, the accompanying Facebook page is still
4 active and appears to be maintained by Dr. Boyce Watkins in order to promote
5 his general personal brand. A true and correct copy of the domain registration
6 expiration published by GoDaddy Operating Company, LLC is attached hereto
7 as Exhibit B; true and correct screen captures of the Facebook page is attached
8 hereto as Exhibit C

11 8. Prior to the <http://www.brothersonsports.com/> domain registration
12 lapsing, the website directed advertising inquiries to
13 advertising@watkinsmediagroup.com, an address which Plaintiff’s counsel
14 attempted to contact several times prior to filing this case.

17 9. A WhoIs search of watkinsmediagroup.com points to the defunct
18 Illinois limited liability company Great Black Speakers, LLC. A true and
19 correct copy of the WhoIs search is included as Exhibit D.

21 10. Great Black Speakers, LLC was involuntarily dissolved on March
22 10, 2017, but continues to operate <https://www.greatblackspeakers.com/>. Also,
23 Watkins Media Group, LLC was also involuntarily dissolved on March 10,
24 2017. A true and correct screen capture of <https://www.greatblackspeakers.com/>
25 is attached as Exhibit E; a true and correct copy of Watkins Media Group, LLC
26 and Great Black Speakers LLC File Detail Reports showing involuntary
27
28

1 dissolution are attached hereto as Exhibit F.

2 11. Plaintiff is unaware of the true names and capacities of the
3 Defendants sued herein as DOES 1 through 10, inclusive, and for that reason,
4
5 sues such Defendants under such fictitious names. Plaintiff is informed and
6 believes and on that basis alleges that such fictitiously named Defendants are
7 responsible in some manner for the occurrences herein alleged, and that
8
9 Plaintiff's damages as herein alleged were proximately caused by the conduct of
10 said Defendants. Plaintiff will seek to amend the complaint when the names and
11 capacities of such fictitiously named Defendants are ascertained. As alleged
12 herein, "Defendant" shall mean all named Defendants and all fictitiously named
13 Defendants.
14

15 12. For the purposes of this Complaint, unless otherwise indicated,
16
17 "Defendant" includes all agents, employees, officers, members, directors, heirs,
18 successors, assigns, principals, trustees, sureties, subrogates, representatives and
19 insurers of Defendants named in this caption.
20

21 **FACTUAL ALLEGATIONS**

22 13. Plaintiff Christopher Sadowski is a professional photographer with a
23 photojournalistic style. He has been published in such publications and media
24 outlets as: The New York Times, Fox News, Reader's Digest, The New York Post,
25 The Record (Bergen County, New Jersey), The Star-Ledger, The Daily Mail
26 Online, The Herald News (Passaic County, New Jersey), Gannett Newspapers,
27
28

1 New York Newsday, Boston Globe, Boston Herald, Los Angeles Times, Toronto
2 Sun, Newsweek Magazine, People Magazine, Us Weekly Magazine, the
3 Associated Press, USA Today, TMZ, NBC News, MSNBC, Splash News and
4 dozens of other leading news websites.

6 14. Sadowski is the sole author and exclusive rights holder to an original
7 photograph of Steel Gym in New York City (the “Steel Gym Photo”). A true and
8 correct copy of the original photograph is attached hereto as Exhibit G.

10 15. Sadowski registered the Steel Gym Photo with the United States
11 Copyright Office under registration number VA 1-972-936.

13 16. Sadowski originally licensed the Images to Page Six (“Page Six”),
14 which is part of the Post Digital Network which also includes the New York Post.
15 On August 6, 2015, Page Six ran an article that featured the Steel Gym Photo titled
16 “Busta Rhymes arrested for throwing protein shake at gym worker” (“Page Six
17 Article”). A true and correct copy of the Page Six Article with the Steel Gym
18 Photo is attached hereto as Exhibit H.

20 17. Sadowski’s Steel Gym Photo featured in the Page Six Article included
21 a credit below the bottom left corner crediting the image to Sadowski.

23 18. Defendant operates <http://brothersonsports.com/> which has over
24 28,000 followers on Facebook and which provides general news and media
25 commentary relating to black men. *See*
26 <https://www.facebook.com/pg/brothersonsports/>.

1 19. Defendant posts news stories to its Website to attract user traffic
2 and generate advertising revenue. In addition to online news stories, Defendant
3 leverages his reputation to sell expensive speaking engagements and
4 consultations. Defendant's published consultation rate is \$500 for a 30-minute
5 consultation up to \$3200 for a 5-hour consultation with promotional video
6 uploaded to YouTube. For events, his speaking rate ranges from \$10,000-
7 \$20,000. A true and correct copy of the Dr. Boyce Watkins' published rates
8 from <https://www.greatblackspeakers.com/author/boycewatkins/> and
9 <https://boycewatkins.com/1-on-1-consultation/> is attached hereto as Exhibit I.

10
11
12 20. On or about July 8, 2018, Sadowski discovered an article on
13 Defendant's Website featuring the Steel Gym Photo ("Infringing Article"). A true
14 and correct screenshot of the Infringing Article featuring the Image with the photo
15 credit removed is attached hereto as Exhibit J.

16
17
18 21. On information and belief, Defendant extracted the Images from the
19 Page Six Article. The Infringing Article discusses the same story about Busta
20 Rhymes being arrested after throwing a protein drink at a gym employee that was
21 told in the Page Six article. The Steel Gym Photo was also uploaded to the
22 Website server in August 2015, the same month that Page Six ran the original
23 article that featured the Steel Gym Photo. A true and correct screenshot of the
24 Steel Gym Photo on the Website showing the upload date is attached hereto as
25 Exhibit K.

1 22. On or about July 30, 2018, Plaintiff's counsel sent a cease and desist
2 letter to Defendant alerting him to the infringement and requesting, *inter alia*, that
3 the Image be removed from Defendant's Website.
4

5 23. While the website is no longer online as of today's date, on October
6 2018, the Steel Gym Photo had not been removed from Defendant's Website
7 despite repeated attempts by Plaintiff's counsel to contact Defendant.
8

9 24. Sadowski never authorized Defendant to use any of his images on
10 Defendant's Website. Defendant has never been authorized to use the Steel Gym
11 Photo.
12

13 25. On information and belief, Defendant willfully removed Sadowski's
14 photo attribution because Defendant knew it did not have permission to use the
15 Images.
16

17 **FIRST CAUSE OF ACTION**
18 **COPYRIGHT INFRINGEMENT**
19 **17 U.S.C. § 101 *et seq***

20 26. Plaintiff incorporates by reference all of the above paragraphs of this
21 Complaint as though fully stated herein.

22 27. Plaintiff did not consent to, authorize, permit, or allow in any manner
23 the said use of Plaintiff's unique and original Steel Gym Photo.
24

25 28. Plaintiff is informed and believes and thereon alleges that the
26 Defendant willfully infringed upon Plaintiff's copyrighted Image in violation of
27 Title 17 of the U.S. Code, in that it used, published, communicated, benefited
28

1 through, posted, publicized, and otherwise held out to the public for commercial
2 benefit, the original and unique Steel Gym Photo of the Plaintiff without Plaintiff's
3 consent by using them in the Infringing Article on Defendant's Website.
4

5 29. As a result of Defendant's violations of Title 17 of the U.S. Code,
6 Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or
7 statutory damages in an amount up to \$150,000.00 per infringement pursuant to 17
8 U.S.C. § 504(c).
9

10 30. As a result of the Defendant's violations of Title 17 of the U.S. Code,
11 the court in its discretion may allow the recovery of full costs as well as reasonable
12 attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.
13

14 31. Plaintiff is also entitled to injunctive relief to prevent or restrain
15 infringement of his copyright pursuant to 17 U.S.C. § 502.
16

17 **SECOND CAUSE OF ACTION**
18 **FALSIFICATION, REMOVAL, AND ALTERATION OF COPYRIGHT**
19 **MANAGEMENT INFORMATION**
20 **17 U.S.C. § 1202**

21 32. Plaintiff incorporates by reference all of the above paragraphs of this
22 Complaint as though fully stated herein.
23

24 33. On information and belief, Defendant knew that Plaintiff created the
25 Steel Gym Image because, *inter alia*, the source of the image that Defendant used
26 to make the infringing copy, the Page Six Article, specifically attributed the Image
27 to Plaintiff.
28

34. Defendant intentionally falsified copyright management information

1 related to the Steel Gym Photo with the intent to induce, enable, facilitate, or
2 conceal an infringement of Plaintiff's rights under the Copyright Act. Specifically,
3 Defendant purposefully failed to credit Plaintiff in order to mislead the public into
4 believing that Defendant either owned the image or had legitimately licensed it for
5 use in the Infringing Articles.
6

7 35. Defendant's conduct constitutes a violation of 17 U.S.C. § 1202(a)
8 and 1202(b).
9

10 36. Defendant's falsification, removal, and/or alteration of that copyright
11 management information was done without Plaintiff's knowledge or authorization.
12

13 37. Defendant's falsification of said copyright management information
14 was done by Defendant intentionally, knowingly, and with the intent to induce,
15 enable, facilitate, or conceal Defendant's infringement of Plaintiff's copyright in
16 the Images. Defendant also knew, or had reason to know, that such removal and/or
17 alteration of copyright management information would induce, enable, facilitate,
18 or conceal Defendant's infringement of Plaintiff's copyright in the Images.
19

20 38. Plaintiff has sustained significant injury and monetary damages as a
21 result of Defendant's wrongful acts as hereinabove alleged, and as a result of being
22 involuntarily associated with Defendant in an amount to be proven.
23

24 39. In the alternative, Plaintiff may elect to recover statutory damages
25 pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 from
26 Defendant for each violation of 17 U.S.C. § 1202.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For statutory damages against Defendant in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- For statutory damages against Defendant pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 for each violation of 17 U.S.C. § 1202.
- For general and special damages against Defendant according to proof together with interest thereon at the maximum legal rate;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- For any other relief the Court deems just and proper.

Dated: October 18, 2019

Respectfully submitted,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
Ill. Bar No. 6319929
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8350
(714) 597-6559 facsimile
Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowski, hereby demands a trial by jury in the above matter.

Dated: October 18, 2019

Respectfully submitted,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
Ill. Bar No. 6319929
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Santa Ana, CA 92705-5418
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Counsel for Plaintiff